

FILED

SEP 27 2017

Clerk, U.S. District Court
District Of Montana
Helena

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

BUTTE DIVISION

BARNARD CONSTRUCTION
COMPANY, INC.,

a Montana Corporation

Petitioner,

vs.

HELIX ELECTRIC, INC.,

a California Corporation,

Respondent.

No. CV-17-48-BU-SEH

ORDER

Petitioner filed its Petition to Compel Arbitration and Stay the State Court Action Pursuant to Sections 3 & 4 of the Federal Arbitration Act on July 21, 2017.¹ Respondent filed its Motion to Dismiss for lack of personal jurisdiction and improper venue on August 15, 2017.² On September 27, 2017, the Court conducted a hearing on Respondent's Motion to Dismiss.

¹ Doc. 1.

² Doc. 9.


Upon the briefs and the record made in open court,

ORDERED:

1. Respondent's Motion to Dismiss is DENIED.

2. Petitioner's Petition to Compel Arbitration and Stay the State Court Action Pursuant to Sections 3 & 4 of the Federal Arbitration Act is GRANTED in part and DENIED in part. Arbitration shall proceed as provided in Section 12.17 of the Subcontract Agreement.³ No stay as to California State proceeding SICV CV1760838⁴ is ordered.

DATED this 27th day of September, 2017.



SAM E. HADDON
United States District Judge

³ Doc. 4-2 at 34.

⁴ Docs. 10-4, 10-5.